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129 A - POLICY FOR RESPONDING TO IMMIGRATION ENFORCEMENT ISSUES

POLICY STATEMENT:

Contra Costa Health (CCH) is committed to everyone in need of and who are eligible for our services, regardless of immigration status.

The purpose of this policy is to provide guidance to CCH staff in responding to immigration enforcement activities, including monitoring and receiving visitors, immigration officer presence at CCH facilities, notifying minor patients' parents or guardians of immigration enforcement actions, and information sharing.

This policy applies to all CCH operated facilities including Contra Costa Regional Medical Center, Health Centers, Behavioral Health Clinics, including substance use treatment programs, Public Health Clinics, Homeless emergency and medical respite shelters and permanent supportive housing programs. This policy applies to all employees, medical staff, clinical residents, contractors, and volunteers.

CCH has designated administrators at each facility to manage potential immigration enforcement issues. The role of these administrators is to ensure staff members and contractors are appropriately dealing with immigration enforcement inquiries and requests and are complying with internal procedures. Direct supervisors or onsite managers in need of guidance may contact the Chief Equity Officer in the Office of the Director at Gilbert.Salinas@cchealth.org or equityteam@cchealth.org. All CCH reception and frontline staff should have the name and contact information for their direct supervisor, who is available for each shift, and the contact information for the Sheriff's Office. (See Attachment A for contact info for the Sheriff.)

Although U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) are the federal agencies with primary responsibility for federal immigration enforcement, there are instances in which other agencies may also attempt to enforce immigration laws. **While the policy references immigration officers, the policy pertains to any law enforcement officer or agency attempting to enforce immigration laws.** While immigration officers typically wear uniforms, staff should be aware that an immigration officer may also appear in civilian clothing.

GUIDELINES:

Monitoring and Receiving Visitors at CCH Facilities

Immigration officers may enter public areas of CCH facilities without a warrant or consent and may question any person present (with that person's consent). CCH staff should not interfere with immigration officer activity in a public area of a facility, though CCH staff should alert their direct supervisor and if the direct supervisor is not available contact the administrator on duty of the presence of immigration officers in the facility and document the activity if feasible. This documentation may be in the form of an email addressed to the direct supervisor.

No visitor, including immigration enforcement officers, shall enter or remain in non-public areas of a CCH facility without having registered with the facility, in accordance with the facility's rules and regulations regarding visitors. If there are no exigent circumstances necessitating immediate action (such as urgent national security or public safety threat), and if the visitor does

not possess a judicial warrant or court order that provides a basis for the visit, the visitor must provide the following information to the direct supervisor:

- Name, address, occupation.
- Age, if less than 21 years.
- Purpose in entering the healthcare facility.
- Proof of identity.

(The direct supervisor should attempt to obtain this information even if the visitor or officer presents a court order.)

Frontline and reception area staff should neither confirm nor deny the presence of a patient to an immigration officer, should refer the officer to their direct supervisor, and proceed as set forth in Section III.

CCH staff shall report entry by immigration enforcement officers to their direct supervisor, as would be required for any unexpected or unscheduled outside visitor coming into the facility.

Responding to Immigration Law Enforcement Presence at CCH Facilities

CCH staff shall immediately notify their direct supervisor of any request (including subpoenas, complaints, warrants, or court orders) by an immigration enforcement officer to access a non-public area of a CCH facility or a patient, or any request for the review of CCH documents. Please notify the Sheriff's office onsite security representative also.

Interaction Protocol

CCH staff shall take the following steps in response to an officer present at a CCH facility for immigration enforcement purposes:

1. Always remain calm and professional.
2. Advise the officer that before proceeding with the officer's request, CCH staff must first notify and receive directions from their direct supervisor.
3. Immediately contact their direct supervisor for assistance. Decline to answer questions and wait for their direct supervisor or the administrator on duty to arrive. Staff should provide their name and title to the officer if requested.
4. If possible, the direct supervisor should handle all steps that follow. If the direct supervisor at the site is not available, staff may contact the administrator on duty.
5. Verify that the officer is an immigration officer (or another federal officer). Ask to see, and make a copy of or note, the officer's credentials (name, agency, and badge number). Also ask for and copy or note the name and telephone number of the officer's supervisor.
6. Ask the officer to explain the purpose of the officer's visit and note the response.
7. Ask the officer to produce any documentation that authorizes CCH facility access.
8. Make copies of all documents provided by the officer. The direct supervisor may ask another staff member to copy the information.
9. If the circumstances warrant, advise the officer that the facility is not obstructing the officer's progress.
10. State that CCH does not consent to entry to non-public areas of the facility. For law enforcement to access a private/restricted area within the facility, a valid judicial warrant is required absent exigent circumstances or consent. If an officer is in a public area or waiting room, the officer may remain in the area, during normal business hours of operation Monday through Friday 8 am – 5 pm.
11. Without expressing consent, respond according to the requirements of the officer's documentation. See Section III(B), below, regarding documentation categories and the appropriate response. Ask the officer to wait while the documents are reviewed.
12. Document the officer's actions in as much detail as possible without interfering with the officer's movements.
13. If the officer orders staff to provide immediate access to a non-public area of the facility, CCH staff should comply with the officer's order. CCH staff should not attempt to physically interfere with the officer, even if the officer appears to be acting without

consent or appears to be exceeding the purported authority given by a warrant or other document. **CCH staff may say, “I do not consent and am not authorized to grant consent. But because I have no other choice at this time, I will not interfere with your order”.** If an officer enters a non-public area without authority, CCH personnel shall document the officer’s actions.

14. If the officer enters a non-public area of the facility, the direct supervisor should always accompany the officer while the officer is in the non-public area. If feasible, the direct supervisor may record the activities of the officer. If possible, the officer should be directed away from patients and confidential areas.
15. If an immigration officer removes a patient or another individual, the direct supervisor may ask the officer where the individual is being taken.
16. If an immigration officer seizes records or other items, the direct supervisor should document which items are taken and request that the officer provide a receipt.
17. The direct supervisor should complete an incident report that includes the information gathered as described above and the officer’s statements and actions.

Documentation Categories and Response Protocol

An immigration officer may present any of the following documents:

A **federal judicial warrant** (either a search-and-seizure warrant or an arrest warrant; see Exhibits A.1 and A.2): A judicial warrant is issued by a “U.S. District Judge” or “U.S. Magistrate Judge” from “U.S. District Court”. A judicial warrant is a court order that authorizes the search of property, seizure of property, or arrest based on probable cause.

A judicial warrant should specify an address, time for execution, the place or person to be searched, and any items to be seized, all described with specificity. The warrant must be signed by a judge or magistrate judge to be valid. Prompt compliance usually is required, but where feasible, the direct supervisor should notify and consult with the County Counsel’s Office before responding.

If the officer has a valid judicial warrant, the direct supervisor should pay close attention and verbally object if officers go beyond the scope of their authority to search or seize objects as specified in the warrant (e.g., if the warrant allows a search of the emergency room, officers may not use the warrant to search private patient examination rooms). If the officer orders staff to provide immediate access to a non-public area of the facility, CCH staff should comply with the officer’s order. CCH staff should not attempt to physically interfere with the officer, even if the officer appears to be acting without consent or appears to be exceeding the purported authority given by a warrant or other document.

An **ICE administrative “warrant”** (see Exhibits B.1 and B.2): An administrative warrant is issued by the “Department of Homeland Security”, an “Immigration Judge”, or an “Immigration Officer”.

If the direct supervisor has not yet arrived, inform the officer that CCH cannot respond to the warrant until it has been reviewed by the direct supervisor. Provide a copy of the warrant to the direct supervisor as soon as possible. Staff should not give ICE any information or allow ICE to enter any non-public areas of the facility. If the officer orders staff to provide immediate access to a non-public area of the facility, CCH staff should comply with the officer’s order. CCH staff should not attempt to physically interfere with the officer, even if the officer appears to be acting without consent or appears to be exceeding the purported authority given by a warrant or other document.

An administrative warrant does not give officers the authority to enter private areas or seize records.

A **subpoena** for production of documents or other evidence (see Exhibits C.1 and C.2): This is a

document requesting documents or evidence. Immediate compliance is not required. CCH staff should not provide documents on the spot and should not consent to an officer search. Inform the officer that CCH cannot respond to the subpoena until it has been reviewed by an area supervisor and legal counsel. Staff should handle the subpoena pursuant to existing subpoena protocols. Staff is not required to give ICE any information or allow ICE to enter any non-public areas of the facility. The direct supervisor should contact the Administrator on duty and the Office of the County Counsel for assistance as soon as possible following receipt of the subpoena.

A **notice to appear** (see Exhibit D): This is a document notifying a person of removal proceedings. This document is not directed at CCH. CCH staff should not deliver or facilitate the service of this document to the person named in the document. CCH staff should not provide access to non-public areas to search. CCH staff should not give ICE any information. The direct supervisor should notify the administrator on duty of any notice to appear.

A **court order**: Staff should provide the court order to their direct supervisor. The direct supervisor should notify the Administrator on duty who will consult with the County Counsel's Office regarding handling of the order.

Responding to Immigration Enforcement Present Out in the Field

Interaction Protocol

Handling when staff meet with a client in their home and immigration enforcement officers arrive at the client's home.

- During any interaction, staff should ensure that their actions are consistent with the purpose of the client visit and do not exceed the scope of their employment.
- Staff should not hide a client or assist the client in evading an officer.
- Staff should not engage with immigration officers. If an officer asks a question, the staff member may state, "I am not authorized to answer any questions."
- Staff may leave if they choose to do so. Staff may also observe the interaction if they are not interfering with officers' actions and it is safe to do so. Staff should prioritize their personal safety.
- If immigration officers ask staff to move or leave, staff should do so.
- If the client is detained, staff may ask the immigration officers where the client is being taken.
- When the interaction concludes, staff should report the incident to their supervisor.

Handling when staff meet with a client in a public space, such as a coffee shop or park, and immigration officers approach the client.

- Staff should conduct themselves as noted above.
- If the meeting is at a business location and staff of the business direct people leave, staff should exit the building.

Handling when immigration officers are present at a community event at which staff are in attendance (like a health fair).

- If the event is at a county facility, staff should proceed as stated in this policy under **Responding to Immigration Law Enforcement Presence at CCH Facilities**.
- Otherwise, staff should conduct themselves as noted above.
- If event or facility staff direct people to leave, staff should leave the area.

Handling when immigration officers approach a county vehicle in which staff is transporting a client.

- As with any interaction with law enforcement:
 - If staff believe that law enforcement is attempting to pull them over, staff should pull over and stop in a safe place, turn off the vehicle, and put their hands on the steering wheel.
 - If the officer approaches the vehicle, staff may ask the officer which agency they work for.
 - If asked, staff should show their driver's license, registration, and proof of insurance to the officer (through a partially opened window).
 - If the officer asks to search for the vehicle, staff may refuse consent to search. However, if the officer states they have the authority to search, staff should state they are not consenting to a search but otherwise follow the officer's directions.
 - Staff may ask if they are free to leave.
- Otherwise, staff should conduct themselves as noted above.

Parental Notification of Immigration Law Enforcement Actions

CCH staff must receive consent from a minor patient's parent or guardian (provided the child is not legally regarded as their own personal representative of their medical records) before a minor patient can be interviewed or searched by any officer seeking to enforce civil immigration laws at a CCH facility, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order. (See Section III(B).)

CCH staff shall immediately notify the minor patient's parent, guardian, or the foster parent and social worker of a dependent child if a law enforcement officer requests or gains access to a patient for immigration enforcement purposes, unless such access followed a judicial warrant that restricts the disclosure of the information to the parent or guardian.

Requests for Patient/Client Information and Information Sharing

California and federal laws and regulations give all patients or clients, regardless of immigration status, the right to keep their medical records private in most circumstances. CCH Health Information Management (HIM) will not release information to third parties for immigration enforcement purposes, except as required by law or court order.

CCH staff should limit collecting information about immigration status, citizenship, and national origin to only what is necessary and required by law. CCH staff should avoid including this information in medical and billing records, limit collection to the individual seeking care, not their family members, and promptly respond to requests to remove such information from medical records, as permitted by law.

In connection with any information request issued for immigration enforcement purposes, CCH HIM staff should document and verify the following information:

- The specific agency the requester is from.
- The form of the request (e.g., subpoena, court order, etc.).
- Whether the requester is a law enforcement agency.
- The specific types of protected health information the requester seeks.
- The reason the requester wants the information, including any legal authority claimed.
- Whether the request requires patient notification and if so, whether the requester provided proof of notification.

CCH staff who receive a document labeled "subpoena," "warrant", or "order", should contact their direct supervisor to determine if the document has been issued by a court or judicial officer, and whether the request for PHI is narrowly tailored as required by HIPAA. Requests received

by mail or by email should be directed to the direct supervisor for initial handling.

The direct supervisor should notify the Chief Equity Officer, who will consult with the County Counsel's Office to help determine when and to what extent CCH is required to comply with requests that seek immigration-related information or are for, or appear to be for, immigration enforcement purposes.

If CCH is required to make a disclosure of patient information to immigration enforcement authorities without the patient's authorization in compliance with a court order, subpoena, or judicial warrant, HIM should document the disclosure in compliance with all existing CCH policies and procedures for such disclosures. Such documentation should include information that supported the decision to disclose the information. Disclosures to law enforcement are subject to the accounting-of-disclosures requirement under the HIPAA Privacy Rule.

Additional Provisions

CCH staff should ensure that patients have access to information about their privacy rights and inform them that their healthcare information is protected by federal and state laws by providing patients with the Notice of Privacy Practices pursuant to current CCH policy.

CCH staff should be cognizant of information that is in open view of the public, such as files and computer screens. Even without a warrant, immigration officers may examine anything in plain view, including conversation in private areas that can be heard from public areas.

Only designated administrators have the authority to validate court orders or warrants and permit immigration officer entry into non-public areas. If the officer orders staff to provide immediate access to a non-public area of the facility, CCH staff should comply with the officer's order. CCH staff should not attempt to physically interfere with the officer, even if the officer appears to be acting without consent or appears to be exceeding the purported authority given by a warrant or other document.

All public-facing staff and all supervisors and administrators on duty should be familiar with the provisions of this policy. It is the responsibility of the designated administrators to ensure that all public-facing staff, including temporary staff, have read this policy.

CCH staff should not:

- Act as interpreters for immigration officers.
- Hide patients or escort patients or others out of the facility to avoid contact with immigration officers or otherwise assist a person in evading immigration officers.
- Provide any false or misleading information to immigration officers.
- Provide patients or others with legal advice.
- Obstruct or interfere with immigration officers.
- Accompany clients to immigration court in a supportive role.

RELATED LINKS:

[Attachment A](#)

[Attachment B](#)

APPROVALS:

Health Services Director: Grant Colfax, MD
Chief Equity Officer: Gilbert Salinas

Managing an Interaction with ICE

An employee contacted by U.S.
Immigration & Customs Enforcement (ICE)
while working at a CCH facility should...



- Immediately notify their direct supervisor
- If your supervisor is not available, contact your worksite's administrator on duty
- The Chief of Security for your site or a designee can help with interpreting legal paperwork, but will not directly interact with ICE. If not available, call **925-370-5315** or **925-383-2367** for a Sheriff's Office representative

Managing an Interaction with ICE

An employee contacted by U.S. Immigration & Customs Enforcement (ICE) while working or at a CCH facility should...

- Immediately notify their direct supervisor
- If your supervisor is not available, contact your worksite's administrator on duty
- The Chief of Security for your site or a designee can help with interpreting legal paperwork, but will **NOT** directly interact with ICE. If not available, call 925-370-5315 or 925-383-2367 for a Sheriff's Office representative

Supervisor determines ICE representative has legal paperwork

ICE may have the right to search the site or make an arrest. Contact County Counsel immediately by calling 925-655-2200

No paperwork

You are **NOT** required to provide ICE access to non-public areas. You are **NOT** required to give ICE any information. You may ask ICE to leave. Notify County Counsel immediately by calling 925-655-2200

ICE representative still demands access

Do **NOT** physically interfere with ICE. You may say, "I do not consent. But because I have no other choice at this time, I will not interfere with your order." Document ICE's actions, if safe to do so

For more detailed information, go to iSITE and view the Protocols for Responding to Immigration Enforcement Issues

June 2025

ATTACHMENT A.1 - EXAMPLE JUDICIAL WARRANT

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

)
)
)
)
)
)

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____

(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box).

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

Date and time issued: _____

Judge's signature

City and state: _____

Printed name and title

ATTACHMENT A.2 - EXAMPLE JUDICIAL WARRANT

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

United States of America
v.

Case No.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) _____,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Date: _____

Issuing officer's signature

City and state: _____

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

ATTACHMENT B.1 - EXAMPLE ADMINISTRATIVE WARRANT

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____
is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

ATTACHMENT B.2 - EXAMPLE ADMINISTRATIVE WARRANT

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

ATTACHMENT C.1 - EXAMPLE SUBPOENA

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
<div style="display: flex; justify-content: space-between;"> (Title of Proceeding) (File Number, if Applicable) </div>	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official
(Signature)
(Printed Name)
(Title)
(Date)

EXAMPLE C.2 - EXAMPLE SUBPOENA

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____)	
<i>Plaintiff</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant</i>)	

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

(Name of person to whom this subpoena is directed)

☐ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: _____

Date and Time: _____

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: _____

Date and Time: _____

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

ATTACHMENT D - EXAMPLE NOTICE TO APPEAR

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: _____

FINS: _____

File No: _____

DOB: _____

Event No: _____

In the Matter of: _____

Respondent: _____ currently residing at: _____

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

(Complete Address of Immigration Court, including Room Number, if any)

on _____ at _____ to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: _____

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)